

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Concerning Water Quality in Watersheds

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4211, sub-§5, ¶D, as amended by PL 1999, c. 228, §3, is further amended to read:

D. A nonengineered subsurface wastewater disposal system fee not to exceed \$100 may be charged, and a surcharge of \$10 must be charged. The surcharge must be paid by the municipality to the Treasurer of State, who shall credit the amount to the Clean Shores Fund established under Title 38, section 424-B.

Sec. 2. 38 MRSA §353-B, sub-§2, ¶A, as amended by PL 2007, c. 558, §3, is further amended to read:

A. The base, annualized license renewal service and maximum fees that may be assessed to categories of discharge activities are as follows.

Discharge Group		Base fee not to exceed	Maximum fee for individual in group	Annualized license renewal service fee	<u>Water quality improvement surcharge</u>
Publicly owned treatment facilities, 10,000 gallons per day or less	annual fee	\$67	none	\$150	
Publicly owned treatment facilities, more than 10,000 gallons per day to 0.1 million gallons per day	annual fee	\$219	none	\$150	
Publicly owned treatment facilities, more than 0.1 million gallons per day to 1.0 million gallons per day	annual fee	\$219	none	\$225	

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Publicly owned treatment facilities, more than 1.0 million gallons per day to 5.0 million gallons per day	annual fee	\$219	none	\$450	
Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste	annual fee	\$770	none	\$650	
Major industrial facility, process wastewater (based on EPA list of major source discharges)	annual fee	\$1,850	none	\$650	
Other industrial facility, process wastewater	annual fee	\$630	none	\$300	
Food handling or packaging wastewater	annual fee	\$315	\$2,100	\$150	
Fish rearing facility over 0.1 million gallons per day	annual fee	\$288	\$1,753	\$300	
Fish rearing facility 0.1 million gallons per day or less	annual fee	\$288	\$400	none	
Marine aquaculture facility	annual fee*	\$288	---	none	
Noncontact cooling water	annual fee	\$90	\$7,000	\$60	
Industrial or commercial sources, miscellaneous or incidental non-process wastewater	annual fee	\$115	\$2,100	\$150	
Municipal combined sewer overflow	annual fee	\$115	\$1,400	\$150	<u>25% or \$350, whichever is less</u>

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Sanitary wastewater, excluding overboard discharge	annual fee	\$60	\$1,200	\$300
Sanitary overboard discharge, commercial sources	annual fee	\$210	\$1,200	<u>\$75</u>
Sanitary overboard discharge, residential sources 600 gallons per day and less	annual fee	\$175	---	<u>\$75</u>
Sanitary overboard discharge, residential sources more than 600 gallons per day	annual fee	\$200	\$600	<u>\$75</u>
Sanitary overboard discharge, public sources	annual fee	\$210	\$500	<u>\$75</u>
Aquatic pesticide application	annual fee*	\$200	---	\$370
Snow dumps	annual fee*	\$125	---	\$150
Salt and sand storage pile	annual fee*	\$150	---	\$225
Log storage permit	annual fee*	\$200	---	\$150
General permit coverage for industrial storm water discharges (except construction)	annual fee*	\$300	---	
General permit coverage for marine aquaculture facility	annual fee*	\$125	---	none
General permit coverage (other)	annual fee*	\$100	---	\$30
Experimental discharge license	license fee*	\$500	---	\$225
New or amended mixing zone, in addition to other applicable fees	flat fee*	\$4,000	---	

Formation of sanitary district	flat fee*	\$300	---
Transfer of license for residential or commercial sanitary wastewater	flat fee*	\$100	---

*Discharge or license quantity fees do not apply to these categories.

When a license authorizes multiple discharge points in different categories in the same license, the total maximum fee for the license may not exceed the maximum fee for the most significant category plus 1/2 of the maximum fee for each of the other applicable categories.

A publicly owned treatment facility shall submit annually in conjunction with its annual license fee an amount that represents \$2 per every ratepayer served by the facility.

Sec. 3. 38 MRSA §353-B, sub-§7 is enacted to read:

7. Revenues derived from surcharge. Revenues derived from a water quality improvement surcharge must be paid to the Treasurer of State, who shall credit those revenues to the Clean Shores Fund established under section 424-B.

Sec. 4. 38 MRSA §410-I, sub-§3 is enacted to read:

3. Annual water quality monitoring and remediation planning. The department shall in coordination with the public health division of the Department of Marine Resources create an annual work plan outlining priorities for the monitoring and classification of shellfish growing areas. The work plan must also prioritize remediation projects that will improve water quality within shellfish growing areas. Staff from both agencies must be assigned in determining responsibilities of the work plan. The Department of Marine Resources shall solicit priorities from municipalities with approved municipal shellfish programs for work within shellfish growing areas in those communities. In order for municipal recommendations to be considered for inclusion in a work plan, the municipality must commit to assist in the identification and remediation of nonpoint source pollution, including failing subsurface wastewater disposal systems, in areas affecting the water quality of shellfish growing areas.

The agencies shall prepare a draft work plan by February 1st of each year and make it available for review at a regularly scheduled meeting of the Shellfish Advisory Council, set out under Title 12, section 6038.

The agencies shall begin implementing the work plan by March 1st annually.

Sec. 5. 38 MRSA §424-B is enacted to read:

§ 424-B. Clean Shores Fund

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Fund" means the Clean Shores Fund established in this section.

2. Fund established. The Clean Shores Fund is established as a nonlapsing fund under the jurisdiction and control of the department.

3. Sources of the fund. The fund consists of:

A. Dedicated revenue derived from surcharges in accordance with section 353-B;

B. Dedicated revenue derived from surcharges in accordance with Title 30-A, section 4211, subsection 5, paragraph D;

C. Sums that are appropriated by the Legislature or transferred to the fund from time to time by the Treasurer of State;

D. Capitalization grants and awards made to the State or an instrumentality of the State by the Federal Government for any of the purposes for which the fund has been established;

E. Interest earned from the investment of fund balances;

F. Private gifts, bequests and donations made to the State for any of the purposes for which the fund has been established; and

G. Other funds from any public or private source received for use for any of the purposes for which the fund has been established.

4. Distribution. Revenue credited to the fund must be distributed as:

A. A transfer to fund 3 positions within the Department of Marine Resources in the growing area classification program within that department's public health division; and

B. Grants to municipalities or other qualifying applicants for the sole purpose of identifying and abating pollution in shellfish growing areas.

5. Grants. The department shall establish by rule criteria for the grant application process, eligibility for grants and the award and use of grants made under this section.

6. Rules. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 6. Water quality standards for shellfish harvesting. The Department of Environmental Protection shall consider bacteria and viral standards used by the National Shellfish Sanitation Program's model ordinance when issuing waste discharge licenses to ensure that shellfish harvesting is protected as a designated use under the Maine Revised Statutes, Title 38, section 465-B.

The Department of Environmental Protection shall review whether the imposition of year-round disinfection requirements at licensed wastewater discharge facilities would serve to improve the ability of the Department of Marine Resources to upgrade the classification of shellfish growing areas, where such facilities affect classification status. The Department of Marine Resources shall identify which facilities affect shellfish growing area classification. If the Department of Environmental Protection determines that year-round disinfection improves the ability to upgrade the classification of any shellfish growing areas, it shall change the license of that facility to require year-round disinfection sufficient to improve the classification.

SUMMARY

This bill creates the Clean Shores Fund within the Department of Environmental Protection to provide a funding source for grants to municipalities and other entities to identify and abate pollution in shellfish growing areas and to pay the Personal Services cost for 3 employees within the Department of Marine Resources in the growing area classification program within the public health division. The dedicated revenue for the Clean Shores Fund is established through surcharges on the installation of new sewer systems and the municipal combined sewer overflow and overboard discharges and on sewer utilities based on the number of ratepayers.

The bill requires the Department of Environmental Protection to work in coordination with the Department of Marine Resources to establish an annual work plan to prioritize monitoring and classification of shellfish growing areas and remediation projects within those areas. The process of developing the work plan must include input from municipalities with approved municipal shellfish programs.

The bill also requires the Department of Environmental Protection to consider bacteria and viral standards when issuing waste discharge licenses to ensure that shellfish harvesting is protected as a designated use under the Maine Revised Statutes, Title 38, section 465-B. The department shall also review whether disinfection requirements at licensed wastewater discharge facilities would improve the ability of the Department of Marine Resources to upgrade classifications of shellfish growing areas and may change license requirements based on the outcome of the review.